REMARKS

Claims 1-8 and 10-12 are pending in the application and have been rejected. Favorable reconsideration of the application in view of the following remarks is respectfully requested.

Consideration of the remarks after final is proper under 37 C.F.R. §1.116 because 1) no claims are amended; 2) no further search or consideration is required; 3) the remarks clarify issues previously presented; and 4) the remarks place the application in condition for allowance, or at least in better condition for appeal, should an appeal be necessary. Entry and consideration of the remarks is thus respectfully solicited.

Claims 1-8 and 10-12 are rejected under 35 U.S.C. 103(a) over Subrahmanyam (US 5,732,214) in view of Applicants' Admitted Prior Art, hereinafter "AAPA," which corresponds to Applicants' disclosure at page 2, lines 4-7 of the application. Applicants traverse the rejection as follows.

Subrahmanyam discloses a method, a network archival service system, and an archival system for storing/archiving information that is accessible with respect to a plurality of users, and that has the capability of storing the information at multiple locations, with an archival node (multiple archiving node locations) to protect against information loss for a predetermined time <u>selected</u> by the user (reference: column 5, lines 21-25 and lines 33-35; column 11, lines 55-57; claims 1, 13, 22). Subrahmanyam discloses that a "length of storage" for data is <u>selected</u> by the user (reference: column 5, lines 21-23 and lines 33-35).

User selection of the length of storage as taught by Subrahmanyam is also taught by the AAPA. The AAPA (page 2, lines 4-7 of application) discloses that messages exchanged between terminals can be temporarily stored (archived) in a server, and this temporary archiving is limited to a predetermined period of time (for example, two days after receipt of a message) in order to continually free memory space. After this

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predetermined time, the message is automatically destroyed, whether or not a user has accessed it. This is identical to the teachings of Subrahmanyam. Both references disclose setting a predetermined storage length, with automatic deletion thereafter regardless of whether or not the information or message has been retrieved or viewed by the loser, which may result in data loss (reference, in the present application: page 2, lines 3-11).

Neither reference, taken alone or in combination, teaches, discloses, or suggests means to insure or to secure the storage of data until the retrieval of the data by a user Both Subrahmanyam and the AAPA allow setting of a predetermined storage length of time after which data will be destroyed, regardless of whether a user has been able to access or retrieve the archived data at the time of destruction.

In contract, the claimed invention requires that the content of a multimedia message be archived "up to the moment when said multimedia message is consulted" (claim 1(e)). That is, the content is stored for an undetermined period (see p. 6, lines 13-20) because there is no preset period of destruction (see p. 7, lines 25-30). The destruction occurs after the moment when the user accesses the multimedia message. It is the access of the multimedia message by the user that triggers destruction or deletion of the data, not a predetermined time frame. Thus, data is held only as long as necessary for a user to access it, minimizing storage requirements without data loss.
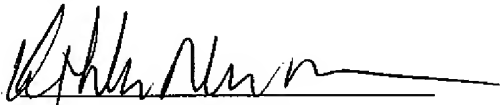
The length of storage claimed by Applicants is <u>not selected</u> or <u>predetermined</u> by the user, but random, depending on consultation or access of the multimedia message to trigger storage end. The storage means 21 of the second server 2 enables the saving or archiving of the multimedia message(s) for an <u>undetermined</u> period, up to the moment when a recipient consults the multimedia message(s) with the (second) terminal 4 (reference, in the present application: page 6, lines 15-20). This insures the user at the second terminal actually receives the message at the time this user consults the message on the second terminal.

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Neither Subrahmanyam nor the AAPA, nor the combination thereof, teach, disclose, or suggest the subject matter of the claimed invention because they both teach storage for a predetermined, user or operator defined, length of time, regardless of whether the stored data has been accessed. Thus, a user who has not reacted immediately to a notification that she/he has received a message may no longer be able to read the message because it has been destroyed during the preset period. Subrahmanyam and AAPA teach the same function of preset storage length for data. Neither reference alone, nor the combination of references, teaches storage length determined by the user action of accessing the data to prevent data loss, as set forth in the Applicants' claims.

For at least the above reasons, reconsideration and withdrawal of the rejection of claims 1-8 and 10-12 are in order, and are respectfully solicited.

In view of the foregoing remarks, claims 1-8 and 10-12 are in condition for allowance, and prompt and favorable action in the form of a Notice of Allowance are respectfully solicited. Should the Examiner require anything further, the Examiner is respectfully requested to contact Applicants' undersigned representative.

Respectfully submitted,

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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.

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